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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,308	01/31/2001	Outi Aho	442-010043-US(PAR)	2463
7590	08/03/2004		EXAMINER	
Perman & Green 425 Post Road Fairfield, CT 06430-6232			STEVENS, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2665	5
DATE MAILED: 08/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/774,308	AHO, OUTI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Roberta A Stevens	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 January 2001.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3.4</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Sladek (U.S. 6622016 B1).

3. Regarding claim 1, Sladek teaches (figure 3) a device for transferring capability information, comprising: means for storing the capability information of the device means for preparing a message for transmission (cols 6-7) comprising processing according to a specific protocol stack, means for transmitting the message comprising a header part and a payload part, wherein the device further comprises means for packing the capability information into the payload part of the message before the message is transferred to the protocol (cols. 13-15).

4. Regarding claims 2 and 8, Sladek teaches (col. 17, line 55 – col. 18, line 10) the data transmission protocol is WAP.

5. Regarding claims 3 and 9, Sladek teaches (figure 3) the message is arranged for being transmitted to a multimedia messaging service center (the HLR in conjunction with the SCP operates as an MMSC).

6. Regarding claims 4 and 10, Sladek teaches (col. 2, line 57 – col. 3, line 34 and col. 17, line 55 – col. 18, line 10) the capability information comprises: at least some of the following: information on the hardware of the terminal, information on the software of the terminal, information on the WAP capabilities of a terminal, information of the capabilities of the browser, information on the capabilities of a network, and information on user preferences.
7. Regarding claim 5, Sladek teaches (figure 3) the device is a wireless device.
8. Regarding claim 6, Sladek teaches (col. 19, line 59 – col. 21) the device comprises a user interface for changing the capability information.
9. Regarding claim 7, Sladek teaches (figure 3) a method for transferring capability information, which method comprises: storing the capability information of a device, (cols 6-7) comprising: packing the capability information into the payload part of a message before the message is transferred to a protocol stack, the message comprises a header part and a payload part; processing the message comprising the capability information according to a specific protocol stack; and transmitting the message (cols. 13-15).
10. Regarding claim 11, Sladek teaches (figure 2) transmitting the message over a radio interface to a gateway (68).

11. Regarding claim 12, Sladek teaches (figure 3) transferring capability information, comprising a terminal (112) and a multimedia messaging service center (144) for implementing a multimedia messaging service between the terminal and the multimedia messaging service center (144) wherein the terminal comprises means for packing the capability information of the terminal into the payload of the message that goes from the terminal to the multimedia messaging service center (144) before the message is transferred to the protocol stack used (cols. 13-15).

***Conclusion***

12. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

**15. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to: (703) 872-9306**

For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

07-20-04



ALPUS H. HSU  
PRIMARY EXAMINER